

MESSAGE NO: 9146112

MESSAGE DATE: 05/26/1999

MESSAGE STATUS: Active

CATEGORY: Antidumping

TYPE: FIN-Final Determination

PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE:

FR CITE: FR

FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-791-805

EFFECTIVE DATE:

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED: 03/31/1999 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: NOTICE OF FINAL AFFIRMATIVE DETERMINATION IN THE ANTIDUMPING DUTY
INVESTIGATION OF STAINLESS STEEL PLATE IN COILS FROM SOUTH AFRICA (A-791-805)

MESSAGE NO: 9146112

DATE: 05 26 1999

CATEGORY: ADA

TYPE: FIN

REFERENCE:

REFERENCE DATE:

CASES: A - 791 - 805

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PERIOD COVERED: 03 31 1999 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, IMPORT OPERATIONS

RE: NOTICE OF FINAL AFFIRMATIVE DETERMINATION IN THE
ANTIDUMPING DUTY INVESTIGATION OF STAINLESS STEEL PLATE IN
COILS FROM SOUTH AFRICA (A-791-805)

1. ON 03/31/1999, THE DEPARTMENT OF COMMERCE PUBLISHED IN THE
FEDERAL REGISTER ITS FINAL DETERMINATION OF SALES AT LESS
THAN FAIR VALUE IN THE ANTIDUMPING DUTY INVESTIGATION OF
STAINLESS STEEL PLATE IN COILS FROM SOUTH AFRICA (63 FR
15459).
2. FOR PURPOSES OF THIS INVESTIGATION, THE PRODUCT COVERED IS
CERTAIN STAINLESS STEEL PLATE IN COILS. STAINLESS STEEL IS
AN ALLOY STEEL CONTAINING, BY WEIGHT, 1.2 PERCENT OR LESS OF

CARBON AND 10.5 PERCENT OR MORE OF CHROMIUM, WITH OR WITHOUT OTHER ELEMENTS. THE SUBJECT PLATE PRODUCTS ARE FLAT-ROLLED PRODUCTS, 254 MM OR OVER IN WIDTH AND 4.75 MM OR MORE IN THICKNESS, IN COILS, AND ANNEALED OR OTHERWISE HEAT TREATED AND PICKLED OR OTHERWISE DESCALED. THE SUBJECT PLATE MAY ALSO BE FURTHER PROCESSED (E.G., COLD-ROLLED, POLISHED, ETC.) PROVIDED THAT IT MAINTAINS THE SPECIFIED DIMENSIONS OF PLATE FOLLOWING SUCH PROCESSING. EXCLUDED FROM THE SCOPE OF THIS PETITION ARE THE FOLLOWING: (1) PLATE NOT IN COILS, (2) PLATE THAT IS NOT ANNEALED OR OTHERWISE HEAT TREATED AND PICKLED OR OTHERWISE DESCALED, (3) SHEET AND STRIP, AND (4) FLAT BARS.

THE MERCHANDISE SUBJECT TO THIS INVESTIGATION IS CURRENTLY CLASSIFIABLE IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTS) AT SUBHEADINGS: 7219.11.00.30, 7219.11.00.60, 7219.12.00.05, 7219.12.00.20, 7219.12.00.25, 7219.12.00.50, 7219.12.00.55, 7219.12.00.65, 7219.12.00.70, 7219.12.00.80, 7219.31.00.10, 7219.90.00.10, 7219.90.00.20, 7219.90.00.25, 7219.90.00.60, 7219.90.00.80, 7220.11.00.00, 7220.20.10.10, 7220.20.10.15, 7220.20.10.60, 7220.20.10.80, 7220.20.60.05, 7220.20.60.10, 7220.20.60.15, 7220.20.60.60, 7220.20.60.80, 7220.90.00.10, 7220.90.00.15, 7220.90.00.60, AND 7220.90.00.80. ALTHOUGH THE HTS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE MERCHANDISE UNDER INVESTIGATION IS DISPOSITIVE.

3. FOR REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-791-805.
4. FOR IMPORTS OF STAINLESS STEEL PLATE IN COILS FROM SOUTH AFRICA, THE CUSTOMS SERVICE SHALL CONTINUE TO SUSPEND LIQUIDATIONS OF SUCH SHIPMENTS ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 11/04/1998. EFFECTIVE 03/31/1999 CUSTOMS SHALL REQUIRE, FOR SUCH ENTRIES, A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE MARGIN SHOWN BELOW:

MFR/PRODUCER EXPORTER	CUSTOMS ID NUMBER	MARGIN PERCENTAGE
COLUMBUS STAINLESS	A-791-805-001	37.79
ALL OTHERS	A-791-805-000	37.79

5. ARTICLE VI.5 OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE PROVIDES THAT "NO PRODUCT ... SHALL BE SUBJECT TO BOTH ANTIDUMPING AND COUNTERVAILING DUTIES TO COMPENSATE FOR THE SAME SITUATION OF DUMPING OR EXPORT SUBSIDIZATION." THIS PROVISION IS IMPLEMENTED IN SECTION 772(C)(1)(C) OF THE TARIFF ACT. SINCE ANTIDUMPING DUTIES CANNOT BE ASSESSED ON THE PORTION OF THE MARGIN ATTRIBUTED TO EXPORT SUBSIDIES THERE IS NO REASON TO REQUIRE A CASH DEPOSIT OR BOND FOR THAT AMOUNT. THE DEPARTMENT HAS DETERMINED IN ITS FINAL AFFIRMATIVE COUNTERVAILING DUTY DETERMINATION ON STAINLESS STEEL PLATE IN COILS FROM SOUTH AFRICA (CASE NUMBER C-791-806) THAT THE PRODUCT UNDER INVESTIGATION BENEFITTED FROM EXPORT SUBSIDIES OFFERED BY THE GOVERNMENT OF SOUTH AFRICA. WHERE THE PRODUCT UNDER INVESTIGATION IS ALSO SUBJECT TO A CONCURRENT COUNTERVAILING DUTY DETERMINATION, WE INSTRUCT THE CUSTOMS SERVICE TO REQUIRE A CASH DEPOSIT OR POSTING OF A BOND EQUAL TO THE WEIGHTED-AVERAGE MARGIN MINUS THE AMOUNT DETERMINED TO CONSTITUTE ANY EXPORT SUBSIDY. ACCORDINGLY, FOR CASH DEPOSIT PURPOSES WE HAVE SUBTRACTED FROM COLUMBUS'S WEIGHTED-AVERAGE MARGIN THAT PORTION OF THE RATE ATTRIBUTABLE TO THE EXPORT SUBSIDIES FOUND IN THE COUNTERVAILING DUTY INVESTIGATION (I.E. 3.84 PERCENT). WE MADE THE SAME ADJUSTMENT TO THE "ALL OTHERS" CASH DEPOSIT RATE BY SUBTRACTING THE 3.84 PERCENT RATE ATTRIBUTABLE TO EXPORT SUBSIDIES. NO FURTHER ADJUSTMENT TO THE CASH DEPOSIT RATE IS NECESSARY TO ACCOUNT FOR THE EXPORT SUBSIDY.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT, VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC

AND OTHER INTERESTED PARTIES SHOULD CONTACT ROBERT M. JAMES,
OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION,
INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF
COMMERCE, AT (202) 482-5222.

7. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS
INFORMATION.

PAUL SCHWARTZ

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party